

REMARKS/ARGUMENTS

In the present amendment, Applicants have canceled claims 2, 3, 5, 8, 9, 12-17, 22, 28, 29, 36 and 48-52. Claims 1, 4, 6, 10, 11, 18, 23, 24, 26, 27, 33, 37 and 40-47 are currently amended. Support for the amendments are in the claims as filed. In particular, for claim 1, Applicants have limited the substituents for R¹ to more closely reflect the actual examples. In response to the Examiner's indication that Ar¹ is only exemplified with three or fewer substituents, Applicants have reduced the number of optional substituents to "one to three." Still further, the list of substituents has also been amended. A number of substituents have been dropped, the second level of substitution (e.g., the R⁰ containing groups) has been removed, and the list of "aryl, heteroaryl and heterocyclic" has been replaced with the specific list found in dependent claim 10, and is now identified with a limited set of substituents. A nitro group has been added (inadvertently omitted in the parent claim but present in original dependent claim 2). Finally, Applicants have incorporated the Examiner's suggestion for the groups such as -NR^cR^d, now newly amended to indicate that when a ring is formed, there is from 0 to 1 additional ring members selected from N and O.

Additional amendments are made to the dependent claims to track the changes in claim 1 or to correct typographical errors (e.g., claim 37). Applicants believe no new matter is present.

Rejection of Claims 1-4, 6, 7, 10, 11, 18-50 and 53 Under 35 USC §112, Second Paragraph

The Examiner rejected claims 1-4, 6, 7, 10, 11, 18-50 and 53 under 35 USC §112, second paragraph, as allegedly being indefinite. In view of the amendments to the proviso in claim 1 and the definitions of -NR^aR^d and -NR^fR^g (as prompted by the Examiner), Applicants request reconsideration.

submit that Beavers provides no teaching to assist one of skill in the art to prepare other oxo compounds. As the Examiner is aware, placement of a hydroxy group at the adjacent carbon position (the carbon bearing the piperazine ring) would be unstable and likely decompose before any oxidation could be carried out. Accordingly, at best Beavers might provide motivation to prepare *longer* linkages having an oxo group at an interior carbon atom, but certainly provides no motivation to prepare compounds having a two carbon linkage and an oxo group on the carbon attached to a piperazine nitrogen.

In view of the above, Applicants respectfully request reconsideration.

Rejection of Claims 1-4, 6, 7, 10, 11, 18-50 and 53 on the ground of nonstatutory obviousness-type double patenting

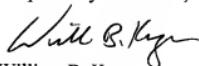
Applicants again note their intention to provide a Terminal Disclaimer over claims of U.S. Patent No. 7,157,464, once claims are noted as in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5015 to resolve any minor issues, discuss an Examiner's amendment or to request a Terminal Disclaimer.

Respectfully submitted,



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Rejection of Claims 1-4, 6, 7, 10, 11, 18-50 and 53 Under 35 USC §112, First Paragraph

The Examiner has rejected claims 1-4, 6, 7, 10, 11, 18-50 and 53 under 35 USC §112, first paragraph, as allegedly failing to comply with the enablement requirement. Without acquiescing to the propriety of the rejection, Applicants have substantially narrowed the scope of substituents for each of Ar¹ and HAr, and further omitted the second tier of substitutions. Accordingly, Applicants respectfully request reconsideration.

Rejection of Claims 1, 2, 4, 6 and 53 Under 35 USC §103(a)

The Examiner has rejected claims 1, 2, 4, 6, and 53 under 35 USC §103(a), as allegedly being obvious over Beavers. Applicants respectfully traverse.

The Examiner has urged that Beavers (US 2007/0010530) describes similar compounds only differing by the linkage between a piperazine ring and a pyrazole ring. Applicants respectfully note the distinction between the linkages is more pronounced than a comparison of a 2-OH propylene link and a propanoyl linkage ("when L1 = C2 alkylene"). More specifically, in the presently claimed invention, L¹ is -CH₂- optionally substituted with phenyl or a C₁₋₈ alkyl. Thus, there are at *most*, two carbon atoms (excluding appendages) linking the piperidine and the pyrazole groups of the present invention. Additionally, the oxo group is on the carbon attached to a piperazine nitrogen in the present invention.

According to Beavers, the G linkage "represents C₃₋₆ alkenediyl or C₃₋₆ alkanediyl, optionally substituted with hydroxy, halogen, C₁₋₅ alkyl, C₁₋₅ alkoxy, oxo, ..." see claim 1, page 49.

Applicants submit that Beavers fails to disclose or suggest *any* two carbon linkage having an oxo group on the carbon attached to a piperazine nitrogen as provided in the present claims. First, Beavers discloses no compounds having an oxo group on the carbon atom attached to a piperazine nitrogen (at least through Example 45 in which structures are provided). Moreover, in Scheme 8, page 13, Beavers only discloses the preparation of an oxo group on the central carbon of a three carbon linkage, from the corresponding hydroxy compound. Applicants